United Nations A/HRC/28/NI/5

General Assembly

Distr.: General
23 February 2015

Original: English

Human Rights Council
Twenty-eight session
Agenda item 5
Human rights bodies and mechanisms

Information presented by the Commissioner for Fundamental Rights of Hungary*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Commissioner for Fundamental Rights of Hungary,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

GE.15-03413 (E)

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Annex

[English only]

Written statement submitted for the 28th Session of the Human Rights Council by the Commissioner for Fundamental Rights of Hungary in relation to the Recommendations of the Forum on Minority Issues at its 7th session: Preventing and addressing violence and atrocity crimes targeted against minorities

The Commissioner for Fundamental Rights is the single one "A" status National Human Rights Institution of Hungary. The CFR is aimed to protect and promote fundamental rights and vested with quasi-judicial competence to hear and consider complaints against public authorities and other entities providing public services. In compliance with the Paris Principles, the institution contributes to the promotion of human rights by the means of education, training and awareness raising activities as well as advocacy. One of the deputies of the Commissioner is responsible for the protection of the rights of minorities living in Hungary who represents the institution before international bodies in connection with the relevant topics.

On the purpose of the presentation of the Recommendations of the Forum on Minority Issues on preventing and addressing violence and atrocity crimes targeted against minorities to the Human Rights Council, the Deputy Commissioner confirms her support in favour of it and appreciates the guidance of the Special Rapporteur on minority issues in the discussion. As the attendee of the seventh session of the Forum on Minority Issues, the Deputy Commissioner agreed on the importance of the multi-stakeholder approach towards the issue which definitely increases awareness and creates a common sense of responsibility in the society to protect persons belonging to minorities from violence. In the present submission the particular role of national human rights institution is considered with special focus on the work of the Commissioner for Fundamental Rights of Hungary.

The Deputy Commissioner is pleased to share that the recommendations concerning prevention of violence and atrocity crimes are already duly implemented. The institution receives complaints from individuals claiming that his or her fundamental rights were infringed by a public authority. In case of mentioning any of the thirteen minorities protected by the law of Hungary the case is assigned to the relevant special unit, the Deputy Commissioner and her bureau. This practice bears crucial importance since Hungary has been criticized several times by international human rights bodies for failing to collect disaggregated data on persons belonging to minorities. The Deputy Commissioner is allowed to initiate proceedings ex officio provided the prior approval of the Commissioner if she finds violations affecting indefinably large group of people or aims to monitor the enforcement of a particular right. Furthermore, the Deputy Commissioner keeps close contact with the representatives and leaders of the minorities and arranges regular discussions with them.

To address ongoing violence is definitely a challenge for all stakeholders. The most serious racially motivated attacks since World War II happened lately in Hungary: in 2008 and 2009, six Roma Hungarians were murdered, 55 people were in clear physical danger, while Roma community was pushed into a terrifying climate of physical fear and psychological anxiety. Romani individuals between 2010 and 2012 continued to be victims of intimidation, hate speech and various violent physical attacks. In March-April 2011,

paramilitary groups marched and patrolled in village of Gyöngyöspata, harassing and intimidating the Roma community. In case of the last incident, the Minority Ombudsman, predecessor of the Deputy Commissioner, took a leading role in settling the situation when besides the press releases and appearances he initiated an investigation ex officio and issued a report based on a fact finding mission on the spot. The investigation in Gyöngyöspata focused not only on the issue of patrols and paramilitary marches which got great press attention, but also on the segregation of Roma pupils in school and the segregation in the field of housing, neither of which can be separated from the events that have occurred in the above mentioned period. The Minority Ombudsman proposed several state actors to take appropriate measures in order to end violence which later were taken into account by the law makers and the law enforcement authorities.

The Deputy Commissioner considers training, education and public outreach as the most appropriate means to restore strong human rights culture in post-violence situations, bearing in mind its preventive function as well. As it was discussed during the seventh session of the Forum on Minority Issues, human rights infringements such discrimination, exclusion and inequality in a given political, social, economic situation may escalate into abuse or even violence, therefore restoration and prevention overlap each other. Accordingly, the Deputy Commissioner gives priority to raise awareness with programs addressing the society as a whole and tailored made to the needs of particular target groups as young people.

Finally, the Deputy Commissioner on behalf of the Commissioner for Fundamental Rights takes the opportunity to confirm their intention to actively engage with the international human rights system in the future, too.